

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BUTTE DIVISION

FILED

GREAT FALLS, MONT.

2012 FEB 8 PM 4 00

PATRICK E. DUFFY, CLERK

BY

DEPUTY CLERK.

JAY ALAN JOSEPHS, as personal
representative of the ESTATE OF
KATHRYN LEIBROCK-JOSEPHS,
and ANNIE JOSEPHS, SOPHIE
JOSEPHS, and CALE JOSEPHS,
minor children, by their natural father
and guardian, JAY ALAN JOSEPHS,

Plaintiffs,

vs.

GREGORY BISHOP, individually,

Defendant.

No. CV-08-86-BU-SEH

ORDER

Upon the record made in open court on February 3, 2012,

ORDERED:

1. Defendant's Unopposed Motion to Amend Settlement Conference

Order¹ is DENIED.

2. Defendant's Motion in Limine to Exclude Plaintiffs' Expert Keith

¹ Document No. 195.

Lara, MD² is GRANTED.

3. Plaintiffs' Objection and Brief Re: Defendant's Proposed Discovery Document³ is SUSTAINED. Defendant may not introduce Jay Joseph's Answer to Gallatin County's Second Discovery Requests, Interrogatory No. 2 at trial.

4. Rulings on exhibits:

a. Admitted: exhibits 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 31, 154, 155, and 156.

b. Denied: exhibits 32, 101, 103, 106, 107, 108, 109, 138, and 146.⁴

c. Reserve ruling, as explained in on the record: exhibits 2, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 102, 104, 153, and 157.

d. Defendant has to and including February 24, 2012, to file briefs directed to hearsay issues raised in Defendant's Brief Re: Objections to Plaintiff Exhibits.⁵ Plaintiff has to and including March 3, 2012, to

² Document No. 90.

³ Document No. 164.

⁴ Exhibit No. 146 is not admitted because it is a duplicate of Exhibit No. 9, which is already admitted into evidence.

⁵ Document No. 167, namely referring to Plaintiff Exhibits Nos. 15-29.


file a response.

e. No rulings are made on “may offer” exhibits.

5. No rulings are made on admissibility of deposition testimony given counsel’s representations that all “will call” witnesses will be present to testify in person.

6. Jury trial (10 days) is set for 8:45 a.m. on May 7, 2012, at the Mike Mansfield Federal Courthouse, Butte, Montana.

DATED this 8th day of February, 2012.


SAM E. HADDON
United States District Judge